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No end for jammed prisons

Gov's inmate release plan won't solve budget and space crisis

Norman Sinclair / The Detroit News

DETROIT — Despite Gov. Jennifer Granholm's plan to release up to 5,500 inmates to shave \$92 million off the state's \$686 million deficit, experts say the money and bed space crisis will continue as long as some 30 percent of the inmate population — or 16,000 prisoners — remains locked up even though they are eligible for parole.

"We need fundamental reforms to reduce the prison population that was driven up in the last 20 years — not by crime but by policy choices the state made," said Barbara Levine, executive director of the Citizens Alliance on Prisons and Public Spending, a prison spending-policy advocacy group.

Deputy Corrections Director Dennis Schrantz recently predicted that without the release of the 5,500 inmates, the system will run out of beds by September. And a recent Pew Foundation study predicts Michigan's prison population will increase 11 percent by 2011.

Inmate Ross Hayes, for example, has cost taxpayers hundreds of thousands of dollars for his upkeep. He was first eligible for parole 23 years ago.

Hayes was 16 in 1974 and high on drugs and alcohol when he stabbed and killed an 89-year-old homeowner who returned home unexpectedly and surprised him during a burglary.

A psychologist said Hayes had the emotional maturity of an adolescent, and a probate judge reluctantly ordered Hayes tried as adult. His lawyer advised him to plead guilty to second-degree murder in return for a life sentence with a chance for parole after 10 years.

Hayes is now 49 and serving his 32nd year in prison. He has an excellent prison record and has earned a GED and two associate's degrees. He converted to Christianity and got married in 1998.

In 2001, Dale Daverman, great-nephew of the victim, was surprised to discover that Hayes was still in prison and visited him. Since then, Daverman has been an advocate for Hayes' release.

"I am absolutely convinced that Ross Hayes is sincere and has remorse for what he did. My father, brother and I feel Ross has paid his debt to society," Daverman wrote the parole board's chairman that year.

But Hayes has repeatedly been turned down for parole.

Both parties want reform

In a statement to The Detroit News, Granholm said sweeping reforms she is proposing will reduce prison population while keeping residents safe.

"(The plan) calls for revisions to Michigan's sentencing guidelines, increased use of community-based sanctions for appropriate offenders, reinvestment of funding for local criminal justice services, expansion of the bipartisan prisoner re-entry program and paroling more prisoners into this successful program that has shown a double-digit improvement on recidivism," the governor said.

Legislative changes in sentencing guidelines in the 1990s produced "truth in sentencing" requiring prisoners to serve all their time behind bars. The change also wiped out halfway houses and community facilities used to ease prisoners back into society before parole.

The state's financial crisis is creating a new bipartisan spirit for reform. On March 29, state Rep. Paul Condino, D-Southfield, introduced a bill aimed at strengthening and spelling out parole guidelines.

It would also make the board accountable for following those guidelines to grant parole.

The bill sets guidelines for parole and makes parole decisions transparent and subject to appeal. It would also require the board to account for exceptions it makes when refusing parole.

Condino could not be reached for comment.

State Senate Majority Leader Mike Bishop, R-Rochester, said he, too, has convened a subcommittee to take up prison reform of parole.

"Having practiced law in that area, I have often wondered why we got rid of the appeal process in the parole system, because it does take away the discretion of the court and gives full authority to the parole board, which has become a

very political entity. I am all in favor of bringing back discretion to that process," Bishop said.

"Any way we can make the system better, we ought to be looking at it. Instead of just talking about commutation of prisoners, you've got to fix the system before you can just implode it and walk away."

The Corrections Department and the parole board are already seeing positive results by taking a less rigid approach to parole involving a group of 4,153 nonviolent non-sex offenders previously rejected for parole.

Parole board more flexible

In January 2005, the board began taking second looks at the group who would not have been considered for parole again for 12 to 24 months.

That closer look resulted in parole for 2,076, according to a Corrections Department memo dated Jan. 8.

CAPPS and a State Bar of Michigan group that deals with prison issues believe other reforms need to go no further than a return to policies abandoned in 1992. At that time, Gov. John Engler pushed legislative changes that abolished a supervisory parole commission as well as the civil service parole board and replaced it with political appointees.

CAPPS calculates that adoption of Condino's bill and three other reforms could reduce the prison population to pre-1992 levels of 42,000.

The three reforms are:

Capping the time some of the 3,700 technical parole violators are serving in prison for violations that did not involve a new crime.

Reinstate good time credits similar to what inmates earn in federal and other state prisons, which would cut average sentences by 15 percent at a savings of \$100 million.

Rescind a board policy that treats parolable life sentences as natural life sentences. Hayes and 800 other inmates fall into this group.


State Rep. Rick Jones, R-Oneida, who was Eaton County sheriff for 33 years and a jail administrator for five years, supports these recommendations.

"We are incarcerating people longer than the states around us at a cost of millions of dollars," Jones said.

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Editorial

Amend laws to ease overcrowded prisons

State parole, sentencing rules should be revised

The Detroit News

The best long-term answer to Michigan's prison crisis is reform of the state's policies on sentencing and parole. As The Detroit News reported Monday, Gov. Jennifer Granholm's plan to release 5,500 inmates is the beginning of a solution for the state's out-of-control prison costs.

Obviously, one of the first duties of the state is to keep people safe, and prisons play an important role in that function. The issues, however, are: Who should go to prison and how long should they be locked up?

The governor proposes to release inmates who have severe medical problems, are older or who could be deported to other countries. These are sensible categories of prisoners who are unlikely to pose a continued threat to

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Michigan citizens.

Beyond the immediate release, however, state lawmakers should revisit both state parole and sentencing policies. Prison space is a scarce and expensive commodity, and it should be rationed wisely.

Several decades ago, Michigan was notorious for its relatively low rate of incarceration. And in the early 1990s, horrendous sex crimes were perpetrated by offenders who had been released on parole.

A series of reforms tightening parole procedures in addition to sentencing habits of rural state judges have now created a bulging prison population.

But keeping some 51,000 prisoners behind bars -- giving Michigan one of the highest incarceration rates in the nation -- is not the most cost-effective way to protect state residents.

Several things need to be done to bring down the rate of people sent to prison and the length of time they remain behind bars. First, the parole board should have to keep a record of its decisions so they can be appealed.

Currently, as Sen. Mike Bishop, R-Rochester, noted, there is no appeal.

Second, life sentences that allow for parole should be seen as just that -- parolable sentences. Finally, sentencing guidelines should be revisited. A recent Associated Press examination of sentencing by county shows a tendency by judges in some rural counties to use prison time rather than local jail sentences or other forms of punishment for nonviolent offenses. That's simply a wasteful and uncreative use of the resource of prison beds.

There seems to be a consensus among the governor and both Democratic and Republican lawmakers in favor of these reforms. This is a good moment for them to be enacted into law.

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Prison population swells

Michigan has the 11th highest rate of incarceration in the United States. Here are the numbers of inmates per 100,000 population:

1.	Louisiana	797
2.	Iowa	691
3.	Mississippi	660
4.	Oklahoma	652
5.	Alabama	591
11.	Michigan	429
46.	North Dakota	208
47.	New Hampshire	192
48.	Rhode Island	193
49.	Minnesota	180
50.	Maine	144

Source: Michigan Department of Corrections and U.S. Department of Justice study, 2005

The Detroit News

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